**Hate Crimes and Hate Speech**

Source: “Kids and the Law.” The California Bar Association. 2007.

My Thoughts/Notes

Crimes motivated by the hatred or dislike of others are classified as *hate*

*crimes*. A hate crime is any crime committed against a person (or the

person’s property) because of certain characteristics (real or perceived)

about the person. These include the individual’s race, ethnicity, religion,

ancestry, national origin, disability, gender or sexual orientation. In some

cases, threats and intimidation are enough to constitute a hate crime.

*(PC § 422.6)* Unfortunately, a large percentage of these crimes in California

are being committed by young people.

***What are some examples of hate crimes?***

● Throwing an object through the window of an African-American

couple’s home because the perpetrator does not like African-Americans

and wants them to move out of the neighborhood.

● Attacking a man walking down the street because the perpetrator

believes he is gay.

●Spray-painting a car that belongs to an immigrant because the

perpetrator feels that immigrants are causing problems in the community.

When prejudice is the principal reason or motive behind the violence,

intimidation or threat, California law increases the punishment for the

crime. A hate crime conviction for an adult or a minor can add one to

three years of prison time to a sentence, depending on the circumstances.

*(PC § 422.75)* If two or more people commit a hate crime together, their

sentences could be increased by two to four years. *(PC § 422.75(b))* In

addition, California students attending 4th through 12th grade

may be suspended or recommended for expulsion if they cause, attempt

to cause or participate in an act of hate violence*. (Ed.C § 48900.3)*

Individuals involved in this type of conduct also can be sued by the victim

and, under California law, may be ordered to pay:

● The victim’s medical bills and/or property repair bills.

● Money to compensate the victim for his or her pain and suffering.

● A $25,000 fine.

● Fees for the victim’s attorney.

Hate speech (using an ethnic or racial slur when referring to someone,

for example) is more difficult to regulate. This is largely due to the fact

that the First Amendment of the Constitution—the right of free

expression—protects much of what we say and our ability to say it.

In California, no criminal penalties can be attached to words alone unless

the words themselves amount to threats of violence against a specific

person or group of people, and the threat comes from someone with the

apparent ability to carry it out.